

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

APPLE INC.,
AMERICAN AIRLINES, INC.,
BLOOMBERG, L.P.,
UNITED PARCEL SERVICE, INC., &
DELL, INC.,

Defendants.

Case No. 6:08-cv-447-LED

JURY TRIAL DEMANDED

**JOINT MOTION OF PLAINTIFF EMG TECHNOLOGY, LLC AND DEFENDANT
BLOOMBERG, L.P. FOR DISMISSAL WITH PREJUDICE**

Pursuant to Federal Rule of Civil Procedure 41(a)(2) and a confidential settlement agreement between Plaintiff EMG Technology, LLC (“EMG”) and Defendant Bloomberg, L.P. (“Bloomberg”), EMG and Bloomberg hereby jointly move the Court to dismiss with prejudice all claims between them in this case. EMG and Bloomberg agree that each party shall bear their own fees and expenses.

DATED: October 14, 2009

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Respectfully submitted,

By: /s/ Charles Ainsworth

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By: /s/ Elizabeth L. DeRieux with permission by
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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 14th day of October, 2009, with a copy of this document via the Court's CM/ECF system under Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

Charles Ainsworth

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